

## STATE OF NEW HAMPSHIRE

### **POLICY FOR MOSQUITO CONTROL ON STATE LANDS**

#### Introduction

The purpose of this document is to define a mosquito control policy common to all state agencies with land management responsibilities. More specifically, this policy governs the use of biological and chemical agents on state-owned lands for the purpose of reducing select mosquito populations and the risk of contracting arboviral illnesses such as Eastern Equine Encephalitis virus and West Nile virus. In addition, this policy sets criteria for when the Commissioner of DHHS, or his or her designee, may authorize the use of biological or chemical mosquito control agents on state-owned lands. While this policy places the health of the public first, it does so in full recognition of the need to protect the State's natural resources from unnecessarily destructive mosquito control measures.

#### Definitions

"Best Available Science" means findings of fact carefully and impartially derived from the application of the scientific method and based upon all of the available information, published and unpublished alike. Best available science does not require that state agencies have all of the data or "perfect" data before reaching a decision.

"Best Medical and Public Health Practice" means programs, interventions, treatments, or policies that through experience and/or experiment have been evaluated and shown to be generally applicable to reducing the risk of human-acquired arboviral illness.

"Best Management Practices" means techniques, methods, processes, or activities that through experience and best available science have proven to be the most effective and practical means of managing mosquito populations, while minimizing adverse impacts.

#### Statement of Principles

Mosquitoes can harbor organisms and infect people with diseases that pose a serious risk to the public health. When an increased threat of disease is discovered through surveillance, targeted control of mosquitoes may be selected as a measure to reduce human health risk.

This policy is based on the public health principle of primary prevention, meaning that disease prevention through public awareness, continuing education and personal responsibility will take precedence over the use of pesticide-based mosquito control measures.

Because authority for monitoring and treatment of mosquito populations exists at the local level, maximum benefit to the public is achieved when local, state, and federal mosquito control policies are applied in a clear, consistent and coordinated manner.

The control of mosquitoes on state lands requires a careful balance between the State's obligation to protect the health and wellbeing of the public and the State's interest in protecting those lands as expressed by the missions of the various state agencies that have been assigned land management responsibilities.

Mosquito control should always be based on the best available science. Recognizing that there are uncertainties in scientific information, mosquito control must be based on best medical and public health practice.

By clearly articulating the process that the State will follow in allowing mosquito control on state-owned properties that fall within municipal or mosquito control district boundaries, this policy is also intended to serve as a voluntary guideline for mosquito control on lands held by other property owners.

State land management agencies shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans (developed pursuant to RSA 141-C) when the New Hampshire Department of Health and Human Services (DHHS) has notified the appropriate land management agency that a public health threat declaration under RSA 141-C:25 is in effect for the affected municipality or mosquito control district in accordance with the policy provisions listed below.

Notwithstanding Paragraph 6 below, nothing in this policy shall prohibit state land management agencies from considering, in accordance with applicable law and rule, pesticides or other control measures not specifically identified in the Policy Provisions.

#### Policy Provisions

- 1) Where feasible, state land management agencies shall promote primary prevention by providing on-site public outreach and education that focuses on the health risks associated with mosquitoes and the importance of personal protection, complementing that provided by DHHS. Additionally, efforts may be taken by state agencies to promote awareness and outreach to the public prior to on-site use of state-owned lands to increase the likelihood that personal protection methods will be used. Outreach and education efforts may include awareness posters, disease and prevention fact sheets, on-site posting highlighting the nature of the threat, and disease and prevention reminders in seasonal correspondence and on agency websites.
- 2) State land management agencies shall encourage and allow mosquito surveillance and monitoring on their lands by state/local public health authorities or vector

control agencies or their agents (contractors) using surveillance and monitoring methods approved by the DHHS.

- 3) When surveillance or monitoring occurs on state lands, the state land management agency may require that the municipality or its contracted agent contact a designated representative of the land management agency no less than 72 hours prior to deploying mosquito traps and within 24 hours of a positive result attained from such traps.
- 4) State land management agencies are encouraged to participate in the development and implementation of local mosquito control plans whenever a public health threat declared by the Commissioner of the DHHS pursuant to RSA 141-C includes lands held by that agency.
- 5) State land management agencies shall, when reasonable, mitigate or otherwise manage man-made and other artificial mosquito breeding sites (i.e. tires, buckets, etc.) as part of an overall Integrated Pest Management approach.
- 6) State land management agencies shall allow the use of biological control agents (specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*) to control mosquito larvae in natural wetlands and waterbodies on land they administer in accordance with applicable law and rule as long as those wetlands and waterbodies are located in municipalities or mosquito control districts where a public health threat is declared by the Commissioner of the DHHS pursuant to RSA 141-C and when the application is to be made under a special permit issued by the New Hampshire Department of Agriculture, Markets and Food, Division of Pesticide Control.
- 7) Land management agencies shall allow the use of pesticides to control adult mosquitoes, in accordance with applicable law and rule, in areas where a public health threat has been declared by the Commissioner of the DHHS pursuant to RSA 141-C and the land:
  - a. is adjacent to areas of high public use, and
  - b. has areas where topographical and other conditions result in high adult mosquito populations, and
  - c. is located within a focal area determined by DHHS to have a risk of a human outbreak of arboviral disease, that warrants the use of pesticides to control adult mosquitoes as set forth in the current DHHS Arboviral Illness Response Plan, and
  - d. is managed in accordance with general Integrated Pest Management practices.
- 8) Should the occasion arise when a land management agency disagrees with the need to control mosquitoes as set forth in paragraph 7 above, the Commissioner of DHHS after consultation with the Commissioner of the Department of

Agriculture, Markets and Food and the Commissioner or Director of that land management agency, shall decide whether or not the recommended mosquito control measures will apply to the land in question.

- 9) For public lands located in areas where a public health threat declaration is not in effect, but public health threat indicators including topographical and other key environmental conditions exist for mosquito breeding, and proximity to positive mosquito pools or human or mammal positive cases of arboviral illness support the use of larvicides as a proactive means of preventing arboviral illness, the Commissioner of DHHS, after consultation with the Commissioner of the Department of Agriculture, Markets and Food and the Commissioner or Director of any relevant land management agency, shall decide whether or not the recommended mosquito control measures will apply to the land in question.
- 10) As a condition of allowing mosquito control to take place, state land management agencies may require advanced notice of treatment to allow enough time to visit the site and to coordinate the appropriate signage and possible access closures to prevent unintended human exposures to pesticides and their residues.
- 11) State land management agencies have discretion to allow chemical and/or biological control of adult or larval mosquitoes on state lands solely for the purpose of nuisance control.
- 12) State land management agencies shall require proof of current pesticide application licensure with the state of New Hampshire and of indemnity insurance before allowing chemical or biological control of adult or larval mosquitoes by a third party on state lands.
- 13) Notwithstanding the process outlined in paragraphs 6-9 of this section, if deed restrictions on a piece of state-owned land prohibit the use of chemical or biological measures to control adult or larval mosquitoes, land management agencies shall not allow the use of such control methods.
- 14) State land management agencies shall encourage the investigation of the feasibility and appropriateness of best management practices to manage mosquito populations in both fresh and saltwater wetlands in the long term.